

damage, providing penalties; repealing all laws in conflict, and declaring an emergency."

Have carefully compared same, and find it correctly engrossed.

BRELSFORD, Chairman.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
Monday, September 7, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.

Roll call, a quorum was present, the following Senators answering to their names:

Bailey of DeWitt.	Johnson.
Bailey of Harris.	Lattimore.
Carter.	McNealus.
Conner.	Nugent.
Cowell.	Real.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Astin.	McGregor.
Brelsford.	Watson.
Clark.	

Absent—Excused.

Collins.	Taylor.
Morrow.	

Prayer by W. A. McLeod of Austin.

Pending the reading of the Journal of Saturday, the same was dispensed with on motion of Senator Bailey of Harris.

EXCUSED.

On account of important business:

Senator Hudspeth, for non-attendance for last Friday, on motion of Senator Cowell.

Senator Collins, for today and tomorrow, on motion of Senator Townsend.

BILLS AND RESOLUTIONS.

Senator Darwin offered the following resolution:

By Senators Wiley and Darwin:
Senate Concurrent Resolution No. 4:

Whereas, The Legislature of the State of Texas is doing all possible to relieve the cotton situation so far as legislation can do so, and will do all possible to relieve the situation; and

Whereas, We are confident that all the people must co-operate together for the general good, and we know that all alike will be injured by the great loss to farmers and business men of all professions if our cotton crop is sold at a price below the cost of production; and

Whereas, The great body of cotton growers of the State have obligations that are outstanding and that are now maturing and will mature within the next thirty to sixty days; and

Whereas, They as a rule are men of ordinary means and unable to tide themselves over a crisis by individual effort; and

Whereas, The great citizenship of Texas, acting co-jointly as citizens, have an abundance in store and are in position to lend aid to their weaker neighbors; and

Whereas, We believe that the purchase of one bale of cotton by each citizen who is able to make such purchase would greatly relieve the congested condition of the market and retire many thousands of bales from the market that would otherwise become distressed cotton, and if sold would result in great loss to the cotton farmers of this State; now, therefore, be it

Resolved by the Senate, the House concurring, That each member of the Senate and the House who feel themselves able and willing to do so, buy one bale of cotton at not less than ten cents per pound, obligating themselves to store the bale purchased, and withhold it from the market for a period of at least twelve (12) months, or until the prevailing price of cotton is at least ten cents per pound, and that we recommend and request of citizens of the State who are in a position to do so to buy one bale of cotton at a price of not less than ten cents per pound and place it in storage as hereinbefore suggested.

We further recommend that each cotton farmer of the State, growing and producing a crop of more than five bales of cotton, hold one bale off the market and that the purchases made as suggested herein in so far as may be possible, be made from that class of our cotton farmers who are now or may become depressed by the burden of debt and the necessities of life.

Be it further resolved, That the Secretary of the Senate be directed to fur-

nish a copy of this resolution to the press of the State, that a copy be forwarded to the Governor of each of the cotton-growing States, and to the members of the Texas delegation in national Congress.

Senator Hudspeth offered the following amendment:

Amend the resolution by adding after the words "buy one bale of cotton" the following: "From the producer who is not in such a financial condition as to hold his cotton."

Pending discussion, Senator Lattimore moved the previous question on the amendment and the resolution, which motion, being duly seconded, was so ordered.

The amendment was adopted, and the resolution, as amended, was adopted.

SIMPLE RESOLUTION.

By Senator Willacy:

Whereas, The cataclysm of European war has cast its shadows upon the greatest of Texas industries, closing for a time the principal markets of the world for the products of our cotton fields; and

Whereas, It is especially true of Texas that "prosperity begins and ends with the soil," and that the limitations of progress in all lines of endeavor are fixed by the measure of agricultural success; and

Whereas, No State may become, or remain, great except through the fruits of its potential forces, wisely protected and directed "with equal rights to all and special privileges to none"; and

Whereas, The agricultural industry of Texas is so closely interwoven with, and dependent upon, many other lines of endeavor, clothing all with such common cause and collateral interest, that the fall of one may weaken or destroy the other; and

Whereas, The Legislature of a people should ever be the open door of hope to all, with prejudice toward none; and

Whereas, Grave problems, such as at this time confront every person and industry living, and operating, within the borders of our State, must depend for final and rightful solution upon the best thought and highest patriotism of the land; and

Whereas, Sound, unselfish reasoning, commonly known as "horse sense," is the greatest heritage bequeathed to mankind by the Infinite Creator; therefore, be it

Resolved, That the serious and impor-

tant problem of protecting, as best we may, the cotton crop of Texas, and through it the best interests of all, including those whose honest labor upon the farms have produced it, can best be solved by bringing all parties at interest closer together and not by forcing them wider apart; and be it further

Resolved, That with the certainty present with us of heavy decline in the world's demand, it must inevitably follow that a very material part of the crop of 1914 cotton must be carried over into the succeeding year, and that the most direct route to normal and substantial value will be found in the early and certain guarantee of correspondingly reduced acreage during the coming year, fortified by adequate warehouse facilities, properly safeguarded, to protect the harvest now in hand. As it relates to the things we wear the purchasing power of nations is regulated, largely by the prosperity of those engaged in peaceful pursuit and not by those engaged in war. Vast numbers of Europeans, once our customers, are now at each other's throats. It requires no great flight of thought to picture the rigid economy now invoked in their homes, nor to realize that much time will be necessary for recuperation after the struggle is over, and normal consumption can be expected; and be it further

Resolved, That the Senate of Texas stands ready, in aid of all parties at interest, to do all things consistent with sound public policy within the limitations of the Constitution that binds us, all alike, but that in our best judgment a moratorium or "stay law" would at one stroke destroy the credit of the farmer, the country merchant and banker, bringing disaster to the very class of citizens the proponents of such a law assume to protect. It is known of all men that large numbers of our farming citizenship are dependent upon an unimpaired credit, not alone to harvest his present crop, but even to exist the remainder of the year. This truth is much to be regretted, but the fact, nevertheless, confronts us. Nor does it end there, for upon the financial ability of the country merchant to carry his needs depends his only hope of planting and cultivating during the coming year. Certainly the country merchant, his credit destroyed, could not meet the needs of customers whose credit has also been emasculated. There are always, and between all men, three essentials upon which credit must be based. First, satisfactory security; second, the rate

of interest; and, third, a reasonable expectation that the loan or account will be paid when due. To destroy either will destroy those whose energy is their only capital. Others may, and no doubt will, be able to help themselves, but such as these can not, and will be forced by unequal circumstances to abandon their fields and homes. It may prove a most certain way to reduce acreage, but it will not be the rightful way. Poverty may be considered a crime, but the spirit of a common brotherhood should impel us to shield the poor with a guarantee of the same opportunity accorded his more fortunate brother; and be it further

Resolved, That, though the unequal distribution of wealth is and always will be a present condition, yet readjustment can not be hoped for through legalized confiscation or repudiation. Rather shall we look with hope to the great soul of the people awakened to the needs of a common brotherhood. Texas is blessed with a multitude of wealthy people, the greater part of whose wealth is, and always has been, grounded upon our usual prosperous agriculture. Now is the time and Texas the place for these more fortunate of our people to cast bread upon the waters and help themselves in degree no less than the relief sorely needed in this hour, the great body of our wealth-producing citizenship; and be it further

Resolved. That it is the judgment of this Senate, especially in this crisis, that the interests of one of our citizens is the interest of all, and that each should exercise toward the other that broad spirit of generous dealing essential to the needs of the hour, consistent with fairness, and necessary to our common good and happiness.

The resolution was read and ordered printed in the Journal.

SIMPLE RESOLUTION.

By Senator Lattimore:

Whereas, Hon. W. A. Hanger, a former distinguished member of this Senate, is in the city; therefore, be it

Resolved, That he be invited to address the Senate on such subject as may suit him, preferably warehouse legislation, and that he be accorded the privileges of the floor.

The resolution was read, and Senator Watson offered the following substitute:

Whereas, There is now in the gallery of the Senate two distinguished former members of the Texas Legislature, to-wit, those two sturdy tenant farmers from Fort Worth, Hon. Albert Baskin and Hon. W. A. Hanger; therefore, be it

Resolved, That they be invited to address the Senate on the question of most approved and modern methods of tenant farming, and how to get the money.

HUDSPETH,
WATSON.

The substitute was adopted, and the resolution as substituted was adopted.

Morning call concluded.

Senator McNealus, at 11:15 o'clock a. m., moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was lost.

(Senator Johnson in the chair.)

HOUSE BILL NO. 1.

Action here recurred on House bill No. 1, the emergency warehouse bill, pending at adjournment Saturday, and action being on Section 4.

Action recurred on the pending amendment by Senator Bailey of DeWitt and the substitute therefor by Senator Watson.

The substitute by Senator Watson, for the amendment by Senator Bailey of DeWitt, was adopted.

Action recurred on the amendment, as substituted, and Senator Nugent offered the following substitute:

Amend the bill, page 4, line 12, by adding after the word "provided" the following: "Provided, that no lease for any warehouse or warehouse site shall accrue to or impose upon the State or any city or town any expense as a charge for such site or warehouse, nor shall the same create any obligation upon or debt against the State or any city or town; and provided further, that the Commissioner of Banking and Insurance shall have the power to contract for the lease of warehouses and warehouse sites on such terms that will provide for the payment for such lease-holds out of the warehouse revenues only, or by voluntary donations or contributions by others than the State," and by striking out all of Section 4, after line 12, down to and including the word "purpose" in line 20, and by striking out the word "require" in line 22 and insert in lieu thereof the word "permit."

NUGENT,
HUDSPETH.

The amendment was read and substituted for the Watson amendment.

Senator Cowell offered the following substitute for the amendment, as substituted:

Amend the bill, page 4, by striking out all of Section 4 after the figure "4" in line 6, and insert the following: "As soon as this act goes into effect the Commissioner acting as trustee for the State shall establish in each town or city in this State, whether incorporated or unincorporated, and at such other places where the demand therefor is reasonably sufficient to justify the outlay, and where a proper building for such purpose is tendered free of cost to the State, a State warehouse for the storage of cotton in the bale, and shall store the same and issue receipts therefor in the manner herein provided."

Senator Nugent moved to table the substitute.

Pending discussion, Senator Nugent moved the previous question on the substitute, which motion being duly seconded, was so ordered.

The motion to table the substitute was adopted.

The amendment, as substituted, was adopted.

RECESS.

Senator Conner, at 12:30 o'clock p. m., moved that the Senate recess until 3 o'clock today.

Senator Hudspeth moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow in honor of Labor Day.

Action recurred on the longest time first, and the substitute motion was lost by the following vote:

Yeas—3.

Cowell.	Wiley.
Hudspeth.	

Nays—22.

Bailey of DeWitt.	Johnson.
Bailey of Harris.	Lattimore.
Brelsford.	McNealus.
Carter.	Nugent.
Clark.	Real.
Conner.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Willacy.

Absent.

Astin.	McGregor.
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S2—8

Absent—Excused.

Collins.	Taylor.
Morrow.	

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Warren.
(Senator Westbrook in the chair.)

HOUSE BILL NO. 1.

Action recurred on the pending business, House bill No. 1, the consideration being on Section 4.

Senator Darwin offered the following amendment:

Amend the bill, page 4, by striking out lines 25, 26, 27, 28, 29 and 30.

Senator Hall moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—17.

Bailey of Harris.	Johnson.
Brelsford.	Nugent.
Carter.	Real.
Conner.	Terrell.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Willacy.
Hudspeth.	

Nays—5.

Clark.	Lattimore.
Cowell.	Wiley.
Darwin.	

Absent.

Astin.	McNealus.
Bailey of DeWitt.	Townsend.
McGregor.	

Absent—Excused.

Collins.	Taylor.
Morrow.	

Senator Darwin offered the following amendment, which was read and adopted:

Amend the bill, page 4, line 7, by striking out the word "shall" and insert the word "may."

Pending discussion, Senator Hall moved that the bill be passed to a third reading.

Senator Hudspeth made the point of order that the motion was out of order, since the Senate had already voted to consider the bill by sections, and the Chair sustained the point of order.

Section 5.

Senator Warren offered the following amendments, separately, which were read and adopted:

(1)

Amend the printed bill, page 5, line 19, by adding the following after the word "Commissioner": "Such warehouse manager shall be selected as follows: If in an incorporated city or town then the city council or city commission, as the case may be, shall, by a majority vote and at a regular or special meeting, nominate such manager and shall, within ten days after such nomination, certify his name to the Commissioner of Insurance and Banking for approval, and such person, if approved by the Commissioner, shall act as manager for such warehouse. If not in an incorporated city or town, then the commissioners court of the county wherein such warehouse is situated, shall by a majority vote and either in term time or vacation, nominate such manager and shall, within ten days after such nomination, certify his name to the Commissioner of Insurance and Banking for approval, and such person, if approved by the Commissioner, shall act as manager of such warehouse; provided, however, that if a warehouse association or local board of directors be formed or selected in any such incorporated city, town or in any other community in connection with any warehouse organized under the provisions of this act, then and in that event the aforesaid warehouse association or local board shall nominate such manager and shall certify his name within ten days after his nomination to the Commissioner of Insurance and Banking, for approval, and he shall, if approved by the Commissioner, be the manager of such warehouse."

WARREN,
GIBSON,
HARLEY,
WILLACY.

(2)

Amend the bill, page 4, line 32, by striking out the words "by the Commissioner," and inserting in lieu thereof the following: "As hereinafter directed."

WILLACY,
WARREN.

(3)

Amend the bill, page 5, by striking out in line 7 all after the period follow-

ing the word "manager" down to and including the period following the word "duties" in line 13.

(4)

Amend the bill, page 5, line 4, by striking out all after the word "than," to and including the word "ten," and inserting in lieu thereof the following: "(\$25,000) twenty-five thousand dollars."

(5)

Amend the bill by striking out all after the words "Attorney General," and the period following said words, in line 16, page 5, of the printed bill, down to and including the word "Commissioner," at the end of line 19, and insert in lieu thereof the following: "The managers of warehouses in each such town, city, village or community shall receive such salary as may be fixed by not less than 50 per cent of the subscribers to the fund subscribed and paid in for the installation of such warehouse."

Senator Carter moved to rescind the vote by which the Senate voted to consider the bill by sections.

Senator Hudspeth made the point of order that a motion to rescind the vote was not in order, since the Rules of the Senate did not provide for a rule for rescinding a vote, etc.

The Chair overruled the point of order.

The motion to rescind the vote by which the Senate was to consider the bill by sections was then adopted.

Senator Watson offered the following amendment, which was read and adopted:

"Amend the bill, page 12, line 12, by striking out all of said line after the word "shall" and insert in lieu thereof the following: "At any time after he has been appointed and qualified be an."

Senator Hudspeth offered the following amendment:

Amend the bill, page 8, Section 9, by striking out the word "State" wherever it occurs in said section and insert in lieu thereof the word "manager."

HUDSPETH,
NUGENT.

(President Pro Tem. Warren in the chair.)

Pending discussion, Senator Terrell was called to the chair.

Action recurred on the above amendment, and

Senator Clark moved the previous question on the amendment, which motion, being duly seconded, was so ordered.

The amendment was read second time and was lost by the following vote:

Yeas—7.

Bailey of DeWitt.	Lattimore.
Bailey of Harris.	Nugent.
Gibson.	Wiley.
Hudspeth.	

Nays—14.

Brelsford.	McNealus.
Carter.	Real.
Conner.	Terrell.
Greer.	Townsend.
Hall.	Watson.
Harley.	Westbrook.
Johnson.	Willacy.

Absent.

Astin.	McGregor.
Clark.	

PAIRED.

Senator Cowell (present), who would vote "yea," with Senator Collins (absent), who would vote "nay."

Senator Warren (present), who would vote "nay," with Senator Morrow (absent), who would vote "yea."

Senator Darwin (present), who would vote "yea," with Senator Taylor (absent), who would vote "nay."

Senator McNealus offered the following amendment:

Amend the printed bill by striking out all after line 30, page 2.

Senator Townsend moved the previous question on the amendment and the passage of the bill to a third reading, which motion, being duly seconded, was so ordered.

Senator Lattimore made the point of order that the previous question could not be moved on the passage of the bill to a third reading, since the question was not before the Senate.

The point of order was overruled.

The amendment was lost.

Action recurred on the bill, the same having already been read, and the bill was passed by a third reading by the following vote:

Yeas—19.

Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	Johnson.
Brelsford.	Nugent.
Carter.	Real.
Clark.	Terrell.
Conner.	Townsend.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Willacy.
Harley.	

Nays—3.

Lattimore.	Wiley.
McNealus.	
	Absent.
Astin.	McGregor.
	PAIRED.

Senator Warren (present), who would vote "yea," with Senator Morrow (absent), who would vote "nay."

Senator Cowell (present), who would vote "nay," with Senator Collins (absent), who would vote "yea."

Senator Darwin (present), who would vote "nay," with Senator Taylor (absent), who would vote "yea."

REASONS FOR VOTE.

I vote "aye" upon the engrossment of this bill for the reason only that since the adoption of the amendment offered by myself and the Senator from El Paso (Senator Hudspeth), making it impossible for the State or any city or town to incur any liability or create any debt in the leasing of any warehouse or warehouse site. I feel that the greatest objections to the bill from a constitutional standpoint, and on account of paternalism and socialism, have been removed. Further, for the reason that with proper safeguards thrown around the measure as to State liability on warehouse certificates, by holding first the warehouse manager on his bond, as I believe will be done in free conference.

NUGENT.

Pending discussion, Senator McNealus moved to reconsider the vote by which the bill was passed to a third reading, and

Senator Carter moved to table the motion to reconsider, which motion to table was adopted.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Bailey of DeWitt.	Hall.
Bailey of Harris.	Harley.
Brelsford.	Hudspeth.
Carter.	Johnson.
Clark.	Lattimore.
Conner.	Nugent.
Darwin.	Real.
Gibson.	Terrell.
Greer.	Townsend.

Warren. Westbrook.
Watson. Willacy.

Nays—2.

McNealus. Wiley.

Absent.

Astin. McGregor.

Absent—Excused.

Morrow. Taylor.

PAIRED.

Senator Cowell (present), who would vote "nay," with Senator Collins (absent), who would vote "yea."

The Chair laid House bill No. 1 before the Senate on third reading, and

Senator Westbrook offered the following amendment:

Amend the bill by adding after Section 7, Sections 7a, 7b and 7c, as follows:

"Section 7a. When any negotiable warehouse receipt is presented for a loan to any person, firm or corporation, the parties to the contract may agree to and stipulate for any rate of interest not exceeding ten (10) per cent per annum on the amount of the contract."

"Section 7b. All contracts whatsoever which may in any way, directly or indirectly, violate the preceding article by stipulating for a greater rate of interest than ten (10) per cent per annum, shall be deemed usurious interest and void, and any person, firm or corporation lending money on said negotiable cotton warehouse receipt at a rate of interest in excess of ten (10) per cent per annum shall forfeit both the principal and interest on said loan, and in addition thereto be punished, if an individual, by serving a term in the county jail of the county where said loan is made of not less than thirty nor more than ninety days; and if a firm or corporation, the agent or officer of same so offending shall be punished as provided herein for an individual."

"Section 7c. It is hereby declared that should the two preceding sections or either of said sections be declared by the courts unconstitutional it will in no wise affect the validity of any other section or part of this bill."

Senator Cowell offered the following amendment to the amendment:

Amend the amendment by adding after the word "industrial," at the end of the second section, the following: "And provided further, that any person agreeing to and paying usurious interest as

herein provided shall be subject to the same penalty prescribed herein for the collection or beneficiary as such usurious interest."

Senator Watson made the point of order on the amendment and amendment to the amendment that they were not germane to the bill, nor were not within the province of the Governor's call.

The Chair, Senator Terrell, overruled the point of order.

Senator Nugent moved to table the amendment and the amendment to the amendment, and

Senator Lattimore called for a division of the question.

Action recurred first on the amendment to the amendment, and the same was tabled by the following vote:

Yeas—24.

Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	Johnson.
Brelsford.	Lattimore.
Carter.	McNealus.
Clark.	Nugent.
Conner.	Real.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.

Absent.

Astin.	Warren.
McGregor.	

Absent—Excused.

Collins.	Taylor.
Morrow.	

Action recurred on the motion to table the amendment, and the same was lost by the following vote:

Yeas—8.

Brelsford.	Johnson.
Darwin.	Nugent.
Greer.	Watson.
Hall.	Wiley.

Nays—17.

Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McNealus.
Carter.	Real.
Clark.	Terrell.
Conner.	Townsend.
Cowell.	Warren.
Gibson.	Westbrook.
Harley.	Willacy.
Hudspeth.	

Absent.

Astin. McGregor.

Absent—Excused.

Collins. Taylor.
Morrow.

Action recurred on the amendment, and the same was lost by the following vote, a two-thirds vote being necessary:

Yeas—14.

Bailey of Harris.	McNealus.
Carter.	Real.
Clark.	Terrell.
Conner.	Townsend.
Cowell.	Warren.
Harley.	Westbrook.
Lattimore.	Willacy.

Nays—9.

Brelsford.	Johnson.
Darwin.	Nugent.
Greer.	Watson.
Hall.	Wiley.
Hudspeth.	

Present—Not Voting.

Gibson.

Absent.

Astin. McGregor.
Bailey of DeWitt.

Absent—Excused.

Collins. Taylor.
Morrow.

Senator Nugent offered the following amendment:

Amend the bill, page 5, by striking out all after the word "cotton" in line 1, down to and including the word "dollars," in line 4, and inserting in lieu thereof the following: "The manager shall give bond, payable to the State of Texas, in the sum of not less than twenty-five hundred dollars and not more than twenty-five thousand dollars, for the use and benefit of the person aggrieved by a violation of the terms of such bond, the venue of such suit or suits to be in any court of competent jurisdiction in the county in which such warehouse is situated, such suits to run against such alleged offending manager, and the sureties on his official bond, provided that such manager may be required by the Commissioner to give a new bond whenever such bond may have been impaired by recoveries."

Senator Carter moved the previous question on the amendment and the final

passage of the bill, which motion being duly seconded, was so ordered.

The amendment was read second time and was adopted by the following vote:

Yeas—17.

Brelsford.	Lattimore.
Carter.	Nugent.
Clark.	Real.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Wiley.
Greer.	Willacy.
Hudspeth.	

Nays—7.

Bailey of DeWitt.	Johnson.
Bailey of Harris.	Terrell.
Hall.	Westbrook.
Harley.	

Present—Not Voting.

McNealus.

Absent.

Astin.

Absent—Excused.

Collins. Morrow.
McGregor. Taylor.

The bill, having been read the third time, was passed by the following vote:

Yeas—20.

Bailey of DeWitt.	Harley.
Bailey of Harris.	Hudspeth.
Brelsford.	Johnson.
Carter.	Nugent.
Clark.	Real.
Conner.	Terrell.
Darwin.	Townsend.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Willacy.

Nays—3.

Lattimore. Wiley.
McNealus.

Absent.

Astin. McGregor.

Absent—Excused.

Taylor.

PAIRED.

Senator Warren (present), who would vote "yea," with Senator Morrow (absent), who would vote "nay."

Senator Cowell (present), who would vote "nay," with Senator Collins (absent), who would vote "yea."

Senator Carter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTE.

House bill No. 1 is not what I want, and is in a large measure contrary to my views, in that I am opposed to the State's engaging in any business other than the proper functions of government, and I am especially opposed to the State lending its credit or creating any debt in aid of any private business, individual, associations or corporations, and especially because such a policy is in violation of Sections 49 and 50, Section 3 of the Constitution of my State, which I have sworn to support and maintain; but since the Senate has adopted the amendment offered by myself and the Senator from El Paso (Senator Hudspeth) forbidding the creation of any liability or debt against the State or any city or town for the lease of any warehouse or warehouse site, and since the Senate has also passed the amendment offered by myself, requiring that all suits for violation of the bonds of warehouse managers shall run against such managers on their official bonds, fixing venue of such suits in the county where such warehouse is situated, and providing that the Commissioner may require such warehouse manager to give a new bond as often as impaired by recoveries, that this provision automatically prevents the possibility of involving the State, while the State supervises and controls the operations of public warehouses. Believing that we have as near a constitutional and effective bill as we can make, and desiring to do all in my power to relieve the great farming and business interests of my State as quickly as possible, I vote "yea."

NUGENT.

ADJOURNMENT.

Senator McNealus, at 7:40 o'clock p. m., moved that the Senate adjourn until 2 o'clock tomorrow afternoon.

Senator Clark moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

The substitute motion was adopted, and the Senate, accordingly, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

PETITIONS AND MEMORIALS.

Senator Conner presented a numer-

ously signed petition from citizens of Ballinger requesting support of the emergency administration warehouse bill or some measure with equal advantage of immediate relief.

Senator Terrell presented a petition from citizens of Mart urging that cotton in warehouses be weighed by public weighers.

Senator Brelsford offered the following telegram:

Fort Worth, Texas, Sept. 7, 1914.

H. P. Brelsford, State Senator, Austin, Texas:

Letter received. Any kind of a stay law or moratorium would in our opinion be suicidal for our State. With our enormous resources and a reasonable amount of patience this situation will work itself out. The Legislature should adjourn and go home.

BEN O. SMITH,

Pres. F. and M. National Bank.

Senator Bailey of DeWitt offered the following, and requested that it be printed in the Journal:

Floresville, Texas, August 26, 1914.

Gov. O. B. Colquitt, Austin, Texas.

Dear Governor: I desire to present for your consideration the advisability of recommending at the present special session of the Legislature the enactment of a law which will suspend the enforcement of all executions for the collection of money for a period of six months.

This purpose can be effected in one of two ways, viz.:

(a) By the amendment of the statute providing for the issuance of an execution so as to read, in substance: "That, six months after the adjournment of every court, it shall be the duty of the clerk * * * to issue execution"; or,

(b) By the amendment of the statute with reference to notice of sale of both real and personal property so that six months' prior notice must be given before any sale is made under execution or order of sale."

For the Legislature to provide that no debt can be collected through judicial proceedings in the courts of the country for a period of six months would, in all probability, meet with serious objection before the Legislature, if not with constitutional inhibition in the courts. The objection might be urged to such a law that it contravenes the constitutional guaranty against the enactment of any

law impairing the obligation of a contract. My proposition is to change merely the remedy for the enforcement of a right, and it is well settled that contracting parties have no vested right in a given remedy, but that the Legislature may, at its pleasure, alter the remedy without impairing the obligations of the contract.

To absolutely suspend the collection of all debts for a period of six months would place the creditor of a dishonest debtor at the mercy of the latter, in that the latter could make way with his property, leaving the creditor helpless. For instance, if the collection of a debt be absolutely suspended the merchant who has furnished a farmer with supplies would have no remedy to prevent the fraudulent disposition of the crop by the debtor to the detriment of the creditor. Under the solution herein suggested the writs of attachment and all other extraordinary writs would still be available for the protection of the rights of any creditor, and after he has obtained his writ, together with judgment foreclosing any lien, the sale of the property would be suspended for six months, thus affecting the remedy or means of enforcing the obligation without, in fact, impairing the obligation itself.

We are prone under present distressed financial conditions to consider the merchant and the man who has a few bales of cotton, and while these classes are entitled to consideration and protection there is a class of our citizenship that will be more seriously affected by the failure to enact this or some similar law, than any other class, viz: the man whose home is not paid for. To permit sale under execution or order of sale of all the homes in Texas whose owners are at the mercy of creditors who are more concerned in their pocketbooks than in the general welfare of the State, will be, in effect, to place a large per cent of present home owners in the class of tenants, and that disheartened and discouraged. The homes will go back into the hands of the speculator and it will be years under the most favorable conditions before our country as a whole would regain its loss and assume a condition equal to that it now occupies. No man who has the welfare of the country at heart and who is sincere in his expression of a desire for advancement among our people, will object to having enacted a law, the effect of which is to give the debtor an opportunity to meet his obligations in times

of general distress. Such a creditor would have the same protection as against his creditors.

The enactment of a warehouse bill upon correct principles, and the issuance of emergency currency will do a great deal towards alleviating present distressed financial conditions, but in my judgment these measures and methods in connection with the plan hereinbefore outlined will be more effective and will afford to the people a greater measure of relief.

Our crops, especially of cotton, are about four weeks earlier in this section of the State than in Central and North Texas, and by the time the Legislature can pass a warehouse bill, and the warehouses be erected, and the plan put into practical operation, the greater part of our cotton will have been gathered, and the people of Southwest Texas will not get their full quota of benefit from such a law.

Our notes and accounts are made payable early in the fall because our crops are early, and much property will be sacrificed at execution sale, even though the warehouses were now in operation.

I consider it imperative that our people be given relief, and to my mind the only practical solution of the problem is the one herein suggested.

I have taken up and discussed this matter with several of our leading business men, and it meets with their approval, and some of them would like to discuss the merits of the plan with you, if you think any good could be accomplished thereby.

Very truly yours,
(Signed) O. A. McCracken.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, September 8, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Conner.
Bailey of DeWitt.	Cowell.
Bailey of Harris.	Darwin.
Brelsford.	Gibson.
Carter.	Greer.
Clark.	Hall.
Collins.	Harley.